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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,373	09/04/2003	Vincenzo Valentio DiLuoffo	AUS920030651US1	8456

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EXAMINER

WALSH, DANIEL I

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

21

Office Action Summary	Application No. 10/655,373	Applicant(s) DILUOFFO ET AL.	
	Examiner Daniel I Walsh	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Receipt is acknowledged of the IDS received on 29 December 2003.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-3 and 7-11, 15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunyich (US 2003/0149576).

Sunyich teaches storing user preference information on a wireless storage device; selectively transmitting the user preference information from the wireless storage device to a receiving device at a service facility; and transmitting the user preference information from the receiving device to a control system at the service facility for controlling selected services in

accordance with the user preference information (paragraph [0025]+ and FIG. 1). The Examiner notes that it is understood that upon reading the card, that the preference information is sent to a receiving device (the card is read), and the preference information is sent to a control system, broadly interpreted as computer program/system that takes the data from the card and applies it to the room to activate the room preferences (22).

Re claim 2, the card is a smart card, as discussed above, and as is well known and conventional, includes non-volatile programmable memory (see US 2004/0031853) enabling the memory to be personalized.

Re claim 3, Sunyich teaches storing and reading from the proximity card, which is broadly interpreted as transmitting and receiving information, since it is well known and conventional that contactless smart cards/proximity cards, can be programmed contactlessly and are also read contactlessly, as is known in the art. One would have been motivated to do this in order to add convenience and reduce physical wear on the card.

Re claim 7, the service is a lodging facility (hotel) as described above. Re FIG. 1, Sunyich teaches assigning a lodging unit to the user.

Re claims 8-9, Sunyich teaches preferred temperature settings (FIG. 1).

Re claim 10, Sunyich teaches wake up settings (paragraph [0037]).

Re claim 11, Sunyich teaches that the user can be checked in and open the door to the room with a smart card, all in one step (paragraph [0029]+). The Examiner also notes that temporarily programming cards to open hotel doors (for duration of stay) is well known and conventional in the art.

Re claim 15, Sunyich teaches predetermined reservation information (paragraph [0024]+).

Re claim 18, Sunyich teaches a smart card, but is silent to flash memory. The Examiner notes that it is well known and conventional to use flash memory since its personalizable (see US 2004/0031853).

Re claims 19-20, the limitations have been discussed above re claim 1.

3. Claims 4-6 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunyich, as applied to claim 1 above, further in view of Tsurukawa et al. (JP 02000357272A).

The teachings of Sunyich have been discussed above.

The teachings of Sunyich have been discussed above, including unlocking doors through a reader at the entrance, upon receipt of information. Re claims 4-5 it is well known and obvious for smart cards to include a processor and transceiver to process and send/receive data as is conventional in the art. Re claim 6, Sunyich teaches storing user preferences in a database before entering a hotel, through a website or computer/software, or alternatively, the database can be stored on the card itself (as mentioned above). Accordingly, when stored on the card itself, it is therefore obvious that user input means must exist in order for user information to be input to the card (Sunyich even teaches storing preferences (input means) on a user card before entering the room/hotel (see claim 10)). Therefore, it is obvious to have user input means on a smart card for allowing updating/storing of data, as when used in a computer system or card reading/writing system, (as is well known and conventional in the art), as an alternative to storing such preferences on a remote database, in order to reduce the amount of time/interaction

required to check in (as direct card scanning is not required). The Examiner notes that writing user input data to smart cards for personalization/updating is well known in the art.

Sunyich is silent to a display on the card displaying received information, including the lodging unit. The Examiner notes that the unlocking of assigned units/rooms has been discussed above.

Tsurukawa et al. teaches a contactless smart card with a display means for displaying received data, including lodging unit (claim 2 and paragraph [0005], for example). Further, the Examiner notes that Tsurukawa et al. also includes input means for enabling user input to the storage device of the card as well.

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Sunyich with those of Tsurukawa et al.

One would have been motivated to do this to provide the convenience of having a display means on the smart card.

4. Claims 16 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Sunyich, as applied to claim 1 above, further in view of Hohle et al. (US 6,101,477).

The teachings of Sunyich have been discussed above

Sunyich is silent to the service facility being a vehicle rental/airline facility for assigning a vehicle/reserved services.

Hohle et al. teaches that the smart card can include preferences for rental and airline (col 20, lines 46+).

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Sunyich with those of Hohle et al.

One would have been motivated to do this to use preference information on a smart card to streamline registering/payment for a traveler, for example. Further, the Examiner notes that simply changing hotel information to rental car and airline information, is an obvious expedient. Simply varying the type of preferences stored on a card, is well within the skill in the art. If the Applicant disagrees, a restriction maybe enforced.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Hed et al. (US 2002/0116330) (display means on a smart card), Couch et al. (US 4,752,876), Fujimoto (US 2004/0139017), Kolls (US 2001/0016819), Stewart et al. (US 6,414,635), Hohle (US 6,199,762), Martin et al. (US 5,614,703), Strubbe et al. (US 6,795,808), Terranova (US 6,704,774), Davenport et al. (US 6,626,356), Tracy et al. (US 6,550,672), Tsuria et al. (US 6,424,947), Walker et al. (US 6,377,963), Craig et al. (US 6,260,111), Tracy et al. (US 6,199,753), Martin et al. (US 5,979,754), Herz et al. (US 5,758,257), Gaillard (US 2003/0028435), Creed et al. (US 2002/0194037), Gonzalo (US 6,796,494), Peng (US 2004/0031853), Allen et al. (US 2004/0124246), Pangaud (US 2004/012966), Newsome et al. (US 2004/0016801), Sinke et al. (US 2004/0158436), and Galli et al. (US 2003/0204296).

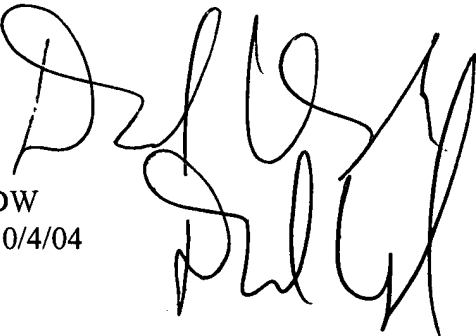
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached between the hours of 7:30am to 4:00pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone numbers for this Group is (703) 308-7722, (703) 308-7724, or (703) 308-7382.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[daniel.walsh@uspto.gov]**.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set for the in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



DW
10/4/04



KARL D. FRECH
PRIMARY EXAMINER